IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

TUESDAY, THE 3RD APRIL 2007 / 13TH CHAITHRA 1930

WP(C).No. 3584 of 2007(B)

PETITIONER:

LILLY THOMAS, W/O.LATE THOMAS P.MATHEW,
PONMALY BUNGLOW, CHETHACKAL P.O.,
RANNY.

BY ADV. SRI.SUBHASH CYRIAC
SRI.S.SURAJ (PALATHANATHU)

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY
CHEIF SECRETARY, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.

2. THE RANNI-PAZHAVANGADI GRAMA
PANCHAYAT REPRESENTED BY ITS
SECRETARY, RANNI P.O.

3. POLLUTION CONTROL BOARD,
REPRESENTED BY ITS ENVIRONMENTAL ENGINEER,
DISTRICT OFFICE, PATHANAMTHITTA.

4. HEALTH INSPECTOR,
PRIMARY HEALTH CENTRE, RANNY.

***ADDL.R5 & R6 IMPLEADED.**

5. THOMAS GEORGE, S/O.GEORGE,
KONDOOR HOUSE, CHETHACKAL P.O.(VILLAGE), RANNI,
PATHANAMTHITTA DISTRICT.

6. K.K.ANIL, ATHIRA BHAVAN, CHETHACKAL P.O.,
RANNY, PATHANAMTHITTA DISTRICT.

*ADDL.R5 & R6 ARE IMPLEADED AS PER THE ORDER DATED
28.3.2007 IN I.A.NO.4474/07.

R2 BY ADV. SRI.JACOB P.ALEX
R1 & R4 BY GOVT. PLEADER SMT.T.B.RAMANI
R3 BY ADV.MR.M.K.CHANDRAMOHAN DAS, S.C.
R5 & R6 BY ADV.MR.SURAJ SUKUMARAN
MR.THOMAS KALLAMPILLY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 03/04/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE,J.

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W.P.(C)No.3584 of 2007

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Dated: 3rd April, 2007

JUDGMENT

Ext.P9 order temporarily canceling the licence given in respect of the petitioner's rubber factory is under challenge. According to the learned counsel for the 2nd respondent-Panchayat, it is obligatory that the petitioner shall strictly comply with Exts.P3, P5 and P7 issued respectively by the 4th respondent and the third respondent. The claim of the petitioner based on Ext.P11 issued by the Pollution Control Board that all the defects have been cured cannot be accepted, so submits counsel.

2. I do not propose to go into the merits of the matter. Ext.P9 as already indicated is only an order temporarily canceling the licence. The petitioner is directed to file reply to Ext.P9. Along with the reply the petitioner is free to produce documents in the nature of certificates issued by the Health Authorities and the Pollution Control Board which will show that the petitioner has satisfactorily complied with all the directions issued to the petitioner by the Health Authorities and the Pollution Control Board. Once such a reply is received by the Panchayat from the Petitioner, the Panchayat will hear the petitioner and take a decision on the question as to whether the temporary revocation of licence should be cancelled and the

licence issued to the petitioner should be revived. In order to enable the petitioner to comply with the above directions, there will be a direction to the Pollution Control Board to take up Ext.P8, conduct inspection of the premises with notice to the petitioner, the Panchayat and also to the additional respondents 5 and 6. There will be a similar direction to the 4th respondent to take up Ext.P10, conduct necessary inspection with notice to all the parties and issue certificate as requested in Ext.P10. Respondents 3 and 4 will ensure that the above directions will be complied with at their earliest and at any rate within three weeks of receiving a copy of this judgment.

The Writ Petition will stand disposed of as above.

srd **PIUS C.KURIAKOSE, JUDGE**